

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SHEMARIAH DEROUX,

Plaintiff,

v.

BOBBCAT FILMS, LLC; OWN:
OPRAH WINFREY NETWORK LLC;
and SHANE JOHNSON aka SHANE
JOHNSON-BOBB,

Defendants.

Case No. 1:25-CV-01566-LMM

JURY TRIAL DEMANDED

**DEFENDANT OWN: OPRAH WINFREY NETWORK, LLC'S
ANSWER AND DEFENSES TO PLAINTIFF'S AMENDED COMPLAINT**

Defendant OWN: Oprah Winfrey Network, LLC ("OWN") hereby answers and states affirmative defenses to the Amended Complaint, ECF No. 12, brought by Plaintiff Shemariah Deroux ("Deroux" or "Plaintiff"). OWN denies each allegation in the Amended Complaint not expressly admitted herein, and otherwise responds to each numbered Paragraph of the Amended Complaint as follows.

INTRODUCTION¹

1. Paragraph 1 contains legal argument for which no response is required. To the extent that a response is required, OWN denies the allegations in Paragraph 1.

2. Paragraph 2 contains legal argument for which no response is required. To the extent that a response is required, OWN denies that Plaintiff is entitled to any relief as to OWN.

3. Paragraph 3 contains legal argument for which no response is required. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 3 and on that basis denies the allegations.

4. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 4 and on that basis denies the allegations.

PARTIES

5. The allegations contained in Paragraph 5 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 5 and on that basis denies the allegations.

¹ To aid the Court's review, OWN has reproduced the headings from Plaintiffs' Amended Complaint. But OWN does not admit any allegation that may be included and hereby denies any such allegation in Plaintiffs' headings.

6. OWN admits that it is a Delaware limited liability company with a principal address at 1041 N. Formosa Avenue, West Hollywood, CA 90046.

7. The allegations contained in Paragraph 7 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 7 and on that basis denies the allegations.

8. The allegations contained in Paragraph 8 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 8 and on that basis denies the allegations.

9. The allegations contained in Paragraph 9 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 9 and on that basis denies the allegations.

JURISDICTION

10. Paragraph 10 contains legal conclusions for which no response is required. To the extent they do, Defendants admit that Plaintiff purports to assert a claim under the Copyright Act, and that the Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11. Paragraph 11 contains legal argument for which no response is required. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 11 and on that basis denies the allegations.

12. Paragraph 12 contains legal argument for which no response is required. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 12 and on that basis denies the allegations, and specifically denies that it has committed any “acts of infringement.”

FACTUAL BACKGROUND

13. Paragraph 13 does not contain allegations that require a response.

14. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 14 and on that basis denies the allegations.

15. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 15 and on that basis denies the allegations.

16. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 16 and on that basis denies the allegations.

17. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 17 and on that basis denies the allegations.

18. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 18 and on that basis denies the allegations.

19. OWN admits that a film titled *A Christmas Fumble* aired on the Oprah Winfrey Network (OWN) in or about 2022. Except as expressly admitted, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 19 and on that basis denies the allegations.

20. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 20 and on that basis denies the allegations.

21. OWN denies that Plaintiff sent a letter to OWN regarding purported infringement (whether on December 13, 2024, or any other date). OWN lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 21 and on that basis denies the allegations.

SIMILARITIES BETWEEN THE WORKS

22. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 22 and on that basis denies the allegations.

23. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 23 and on that basis denies the allegations.

24. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 24 and on that basis denies the allegations.

25. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 25 and on that basis denies the allegations.

26. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 26 and on that basis denies the allegations.

27. OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 27 and on that basis denies the allegations.

COUNT 1: COPYRIGHT INFRINGEMENT
AGAINST DEFENDANT BOBBCAT FILMS, LLC

28. OWN incorporates its preceding responses to Paragraphs 1 to 27 as though fully set forth herein.

29. The allegations contained in Paragraph 29 are not directed at OWN and therefore do not require a response. Paragraph 29 also contains legal argument for which no response is required.

30. The allegations contained in Paragraph 30 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 30 and on that basis denies the allegations.

31. The allegations contained in Paragraph 31 are not directed at OWN and therefore do not require a response. To the extent that a response is required,

OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 31 and on that basis denies the allegations.

32. The allegations contained in Paragraph 32 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 32 and on that basis denies the allegations.

33. The allegations contained in Paragraph 33 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 33 and on that basis denies the allegations.

34. The allegations contained in Paragraph 34 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 34 and on that basis denies the allegations.

35. The allegations contained in Paragraph 35 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 35 and on that basis denies the allegations.

36. The allegations contained in Paragraph 36 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 36 and on that basis denies the allegations.

37. The allegations contained in Paragraph 37 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 37 and on that basis denies the allegations.

38. The allegations contained in Paragraph 38 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 38 and on that basis denies the allegations.

COUNT 2:BREACH OF CONTRACT
AGAINST DEFENDANT SHANE JOHNSON a/k/a SHANE JOHNSON-
BOBB

39. OWN incorporates its preceding responses to Paragraphs 1 to 27 as though fully set forth herein.

40. The allegations contained in Paragraph 40 are not directed at OWN and therefore do not require a response. Paragraph 40 also contains legal argument for which no response is required.

41. The allegations contained in Paragraph 41 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 41 and on that basis denies the allegations.

42. The allegations contained in Paragraph 42 are not directed at OWN and therefore do not require a response. To the extent that a response is required,

OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 42 and on that basis denies the allegations.

43. The allegations contained in Paragraph 43 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 43 and on that basis denies the allegations.

44. The allegations contained in Paragraph 44 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 44 and on that basis denies the allegations.

45. The allegations contained in Paragraph 45 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 45 and on that basis denies the allegations.

46. The allegations contained in Paragraph 46 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 46 and on that basis denies the allegations.

47. The allegations contained in Paragraph 47 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 47 and on that basis denies the allegations.

48. The allegations contained in Paragraph 48 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 48 and on that basis denies the allegations.

**COUNT 3:UNJUST ENRICHMENT
AGAINST ALL DEFENDANTS**

**PLED DIRECTLY AGAINST DEFENDANT BOBBCAT FILMS, LLC
& DEFENDANT OWN: OPRAH WINFREY NETWORK LLC**
**PLED IN THE ALTERNATIVE AGAINST DEFENDANT SHANE
JOHNSON a/k/a SHANE JOHNSON-BOBB**

49. OWN incorporates its preceding responses to Paragraphs 1 to 27 as though fully set forth herein.

50. Plaintiff has withdrawn Count 3 as to OWN and so no response is required. *See* Dkt. 24.

51. Plaintiff has withdrawn Count 3 as to OWN and so no response is required. *See* Dkt. 24.

52. Plaintiff has withdrawn Count 3 as to OWN and so no response is required. *See* Dkt. 24.

53. Plaintiff has withdrawn Count 3 as to OWN and so no response is required. *See* Dkt. 24.

54. Plaintiff has withdrawn Count 3 as to OWN and so no response is required. *See* Dkt. 24.

COUNT 4:CONTRIBUTORY COPYRIGHT INFRINGEMENT
AGAINST DEFENDANT SHANE JOHNSON a/k/a SHANE JOHNSON-
BOBB

55. OWN incorporates its preceding responses to Paragraphs 1 to 27 as though fully set forth herein.

56. The allegations contained in Paragraph 56 are not directed at OWN and therefore do not require a response. Paragraph 56 contains legal argument for which no response is required.

57. The allegations contained in Paragraph 57 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 57 and on that basis denies the allegations.

58. The allegations contained in Paragraph 58 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 58 and on that basis denies the allegations.

59. The allegations contained in Paragraph 59 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 59 and on that basis denies the allegations.

60. The allegations contained in Paragraph 60 are not directed at OWN and therefore do not require a response. To the extent that a response is required,

OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 60 and on that basis denies the allegations.

61. The allegations contained in Paragraph 61 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 61 and on that basis denies the allegations.

62. The allegations contained in Paragraph 62 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 62 and on that basis denies the allegations.

63. The allegations contained in Paragraph 63 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 63 and on that basis denies the allegations.

COUNT 5:VICARIOUS COPYRIGHT INFRINGEMENT
AGAINST DEFENDANT OWN: OPRAH WINFREY NETWORK LLC

64. OWN incorporates its preceding responses to Paragraphs 1 to 27 as though fully set forth herein.

65. Paragraph 65 contains legal argument for which no response is required. To the extent Paragraph 65 purports to quote or cite cases or other legal authority, OWN respectfully refers the Court to those materials for a complete and accurate statement of their terms.

66. The allegations contained in Paragraph 66 are not directed at OWN and therefore do not require a response. To the extent that a response is required, OWN lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 66 and on that basis denies the allegations.

67. OWN denies the allegations in Paragraph 67.

68. OWN denies the allegations in Paragraph 68.

69. OWN denies the allegations in Paragraph 69.

70. OWN denies the allegations in Paragraph 70.

71. OWN denies the allegations in Paragraph 71.

72. OWN denies the allegations in Paragraph 72.

OWN'S AFFIRMATIVE DEFENSES

As a further and separate answer to Plaintiff's Amended Complaint, without assuming the burden of proof where it otherwise rests with Plaintiff, and by way of affirmative defenses, OWN alleges:

FIRST AFFIRMATIVE DEFENSE **(Failure to State a Claim)**

1. Plaintiff's Amended Complaint fails to state a claim against OWN.

SECOND AFFIRMATIVE DEFENSE **(Independent Creation)**

2. The relief sought in Plaintiff's Amended Complaint is barred by the doctrine of independent creation.

THIRD AFFIRMATIVE DEFENSE
(Statute of Limitations)

3. The relief sought in Plaintiff's Amended Complaint is barred in whole or in part by the applicable statutes of limitations, including 17 U.S.C. § 507(b).

FOURTH AFFIRMATIVE DEFENSE
(No Actionable Similarity)

4. The relief sought in Plaintiff's Amended Complaint is barred because there is no actionable similarity between the works identified in the Amended Complaint.

FIFTH AFFIRMATIVE DEFENSE
(Unprotectable Ideas and Scenes-a-faire)

5. Plaintiff's Amended Complaint is barred by the fact that the alleged infringement is based on elements that are mere ideas and/or scenes-a-faire, are not original, and are not protectable and/or worthy of copyright protection.

SIXTH AFFIRMATIVE DEFENSE
(Innocent Intent)

6. To the extent that OWN has any liability for copyright infringement, which OWN expressly denies, but assumes solely for the purposes of asserting this affirmative defense, any such infringement or violation occurred with innocent intent.

SEVENTH AFFIRMATIVE DEFENSE
(Reservation of Rights)

7. OWN has insufficient knowledge at this time to determine whether it may have additional defenses. OWN reserves the right to amend this Answer to

assert such defenses as may be revealed during discovery or further factual investigation.

PRAYER FOR RELIEF

WHEREFORE, the premises considered, OWN prays for judgment as follows:

- a. That Plaintiff takes nothing by way of its Complaint;
- b. That each and every purported claim for relief against OWN set forth in the Complaint be dismissed with prejudice;
- c. For costs of suit, including reasonable attorney's fees incurred herein to the extent permitted by law; and
- d. For such other and further relief as the Court may deem just and proper in favor of OWN.

JURY TRIAL DEMAND

OWN hereby demands a trial by jury in this action.

[Signatures on Following Page]

DATED: June 2, 2025

Respectfully submitted,

/s/ Ronan P. Doherty

Ronan P. Doherty
Georgia Bar No. 224885
doherty@bmelaw.com
E. Allen Page
Georgia Bar No. 640163
page@bmelaw.com

BONDURANT, MIXSON & ELMORE, LLP
3900 One Atlantic Center
1201 West Peachtree Street, N.W.
Atlanta, Georgia 30309
Tel: (404) 881-4100

Of Counsel:

Aaron J. Moss (*pro hac vice* application forthcoming)
Joshua M. Geller (*pro hac vice* application forthcoming)
MITCHELL SILBERBERG & KNUPP LLP
2049 Century Park East, 18th Floor
Los Angeles, CA 90067-3120
Telephone: (310) 312-2000
Facsimile: (310) 312-3100

Attorneys for OWN: OPRAH WINFREY NETWORK LLC

CERTIFICATION OF COMPLIANCE

The undersigned attorney hereby certifies that the foregoing **DEFENDANT OWN: OPRAH WINFREY NETWORK, LLC'S ANSWER AND DEFENSES TO PLAINTIFF'S AMENDED COMPLAINT** was prepared in accordance with N.D. Ga. L.R. 5.1, using Times New Roman font, 14 point.

This 2nd day of June, 2025.

/s/ Ronan P. Doherty

Ronan P. Doherty
Ga. Bar No. 224885

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed this **DEFENDANT OWN: OPRAH WINFREY NETWORK, LLC'S ANSWER AND DEFENSES TO PLAINTIFF'S AMENDED COMPLAINT** with the Court using the CM/ECF System which will serve a copy via the e-filing system on all counsel.

This 2nd day of June, 2025.

/s/ Ronan P. Doherty
Ronan P. Doherty
Georgia Bar No. 224885